

**THE ROSEN LAW FIRM, P.A.**

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[Proposed] Lead Counsel for Lead Plaintiffs and Class

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GANG KOU, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

vs.

MEDIS TECHNOLOGIES LTD., ROBERT  
K. LIFTON, and ANDREW UDIS,

Defendants.

Case No.: 07CV3230 (PAC)  
**BY ECF**

**CLASS ACTION**

**NOTICE OF NON-OPPOSITION TO  
MOTION OF THE MEDIS INVESTOR  
GROUP TO: (1) APPOINT LEAD  
PLAINTIFFS; AND (2) APPROVE  
LEAD PLAINTIFFS' SELECTION OF  
COUNSEL**

On June 22, 2007, Plaintiffs Chun Yu Wong, John Sellars, and Royce Oelschlager (collectively “Medis Investor Group”) moved to be appointed Lead Plaintiffs and for approval of their selection of the Rosen Law Firm, P.A. as lead counsel pursuant to Section 21 D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”).

The Medis Investor Group’s motion was filed pursuant to a PSLRA early notice that was disseminated over the national newswires announcing the pendency of the action on April 23, 2007. Thus, any class member(s) who wished to serve as Lead Plaintiff(s) had to move the

Court on or before June 22, 2007. Other than the Medis Investor Group, no other class member has moved to be appointed Lead Plaintiff.

On July 3, 2007 we received a letter from defense counsel stating that Defendants have “no objection to the appointment of the ‘Medis Investor Group’ and The Rosen Law Firm as Lead Plaintiff and Lead Counsel, respectively, in this action.” Letter attached hereto as Exhibit 1.

As no other movant has timely moved to be appointed Lead Plaintiff, and the Medis Investor Group having demonstrated it has the largest financial interest in this litigation<sup>1</sup> and otherwise satisfying the requirements of Rule 23, the Court must appoint the Medis Investor Group and each of its members as Lead Plaintiffs and approve the group’s selection of the Rosen Law Firm, P.A. as Lead Counsel.

Dated: July 3, 2007

**THE ROSEN LAW FIRM, P.A.**

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[Proposed] Lead Counsel for Lead Plaintiffs and Class

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<sup>1</sup> See e.g. Greebel v. FTP Software, Inc., 939 F. Supp. 57, 64 (D. Mass. 1996) (appointing as lead plaintiff the lone movant, finding that, when only one person or group has moved to serve as lead plaintiff, that person or group presumptively had the largest financial interest).

**CERTIFICATE OF SERVICE**

I hereby certify that on this on the 3<sup>rd</sup> day of July, 2007, a true and correct copy of the foregoing NOTICE OF NON-OPPOSITION TO MOTION OF THE MEDIS INVESTOR GROUP TO: (1) APPOINT LEAD PLAINTIFFS; AND (2) APPROVE LEAD PLAINTIFFS' SELECTION OF COUNSEL was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Phillip Kim \_\_\_\_\_